

EXHIBIT 9

FOUR PENN CENTER
SUITE 200
1600 JOHN F. KENNEDY BLVD.
PHILADELPHIA, PA 19103-2808
TELEPHONE 215.563.9400
FACSIMILE 215.665.9988
WWW.GGELAW.COM

GG&E GOLLATZ
GRIFFIN
& EWING
ATTORNEYS - AT - LAW

ERIC M. HOCKY
DIRECT DIAL 215.320.3720
emhocky@ggelaw.com

October 27, 2003

VIA: FAX

ORIGINAL VIA: UPS Overnight

ENTERED
Office of Proceedings

OCT 28 2003

Part of
Public Record

Hon. Vernon A. Williams
Secretary
Surface Transportation Board
Mercury Building, #711
1925 K Street, N.W.
Washington, DC 20423-0001

Attn: Taledia Stokes

Re: Notice of Allegheny & Eastern Railroad, Inc.
for Exemption of Abandonment from
Regulation Pursuant to 49 CFR §1152.50
Docket No. AB-854 (X)



Dear Secretary Williams:

I am writing to respond on behalf of the applicant Allegheny & Eastern Railroad, Inc. ("ALY") to the letters filed with the Board by Elk and Cameron Counties seeking public use and trail use conditions. The requests filed by the Counties are identical, and thus ALY is responding to the requests jointly.

ALY hereby advises the Board that it is willing to negotiate an interim trail use and railbanking agreement with both Elk and Cameron Counties.

However, ALY opposes the imposition of a public uses condition. In this proceeding, the public use requested is merely a restatement of the desire of the Counties to acquire the right of way for trail purposes. Since, as noted above, ALY is willing to negotiate with the Counties respect to the proposed trail use, there is no need for a public use condition to be imposed.

An order of the Board imposing conditions should make clear that any restriction on disposition applies *only* to the real property and potential trail related structures (such as bridges and culverts), and *does not* prohibit ALY from salvaging the tracks, ties, signal equipment or other track materials. (The Counties letters are consistent with this request. See County letters at A.1,2.)

STB0172

GOLLATZ, GRIFFIN & EWING P.C.

Vernon Williams
October 27, 2003
Page 2 of 3

This letter is being filed more than 10 days after the filing of the requests by Elk and Cameron Counties because copies of the requests were not served on ALY's counsel, and counsel did not become aware of the requests until October 24, 2003.

This letter is being sent to the Board by fax for expedited handling. An original and ten (10) copies of this letter are being sent to the Board for filing of record.

Please time stamp the extra copy of this letter to indicate receipt, and return it to me in the stamped self-addressed envelope provided for your convenience.

Respectfully,



ERIC M. HOCKY

cc: Cameron County
Elk County

STB0173

GOLLATZ, GRIFFIN & EWING, P.C.